

Case 1:11-cv-01748-JBW-VVP Document 57-1 Filed 07/23/12 Page 1 of 2 PageID #: 450

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ JUL 26 2012 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

X

MARK MARAGH,

BROOKLYN OFFICE

Plaintiff. STIPULATION AND ORDER
-against- OF DISCONTINUANCE

11 Civ. 1748 (JBW)(VVP)

THE CITY OF NEW YORK, and P.O.'s "JOHN DOE" #
1-10, Individually and in their Official Capacities (the
name John Doe being fictitious, as the true names are
presently unknown),

Defendants.

✓

X

WHEREAS, plaintiff Mark Maragh commenced this action by filing a Complaint on or
about April 11, 2011, and an Amended Complaint on or about July 1, 2011, alleging that
defendants violated his legal rights under federal and state law; and

WHEREAS, defendants have denied any and all liability arising out of plaintiff's
allegations; and

WHEREAS, plaintiff and defendants desire to resolve the issues raised in this matter
without further proceedings and without admission of fault or liability; and

WHEREAS, no party herein is an infant or incompetent for whom a Committee has been
appointed; and

WHEREAS, there is no person not a party who has any interest in the subject matter of
this proceeding;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and
between the parties, as follows:

sl

1. Any and all claims against the City of New York, John Doe Police Officers, any present or former employees and agents of the City of New York, or any agency thereof, who were or could have been named in this action, are voluntarily withdrawn and dismissed, whether they arise under federal or state law, with prejudice, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), without costs or attorneys fees to either party; and

2. Defendant City of New York expressly reserves its rights under Fed. R. Civ. P. 41(d); and

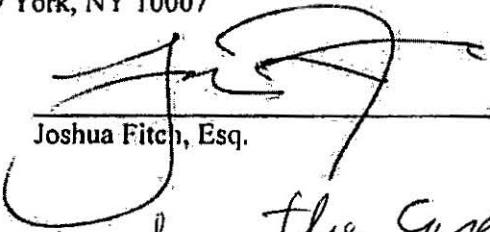
3. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter herein shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York

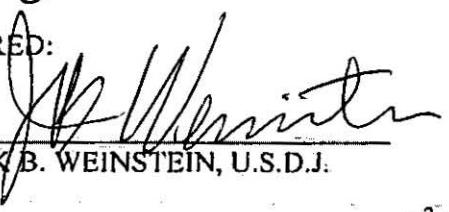
July 23, 2012

Joshua Fitch, Esq.
Attorney for Plaintiff
Cohen & Fitch LLP
233 Broadway, Suite 1800
New York, NY 10007

By:

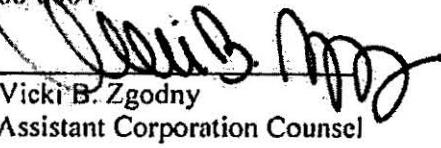

Joshua Fitch, Esq.

SO ORDERED:


HON. JACK B. WEINSTEIN, U.S.D.J.

MICHAEL A. CARDODOZ
Corporation Counsel of the
City of New York
Attorney for Defendant City of New York
New York, New York 10007
(212) 788-8084

By:


Vicki B. Zgodny
Assistant Corporation Counsel



MICHAEL A. CARDODOZ
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

Vicki B. Zgodny
Assistant Corporation Counsel
(212) 788-8084
(212) 788-9776 (fax)
vzgodny@law.nyc.gov

July 23, 2012

VIA ECF

Honorable Jack B. Weinstein
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Mark Maragh v. City of New York, et al., 11-cv-01748 (JBW)(VVP)

Your Honor:

As counsel for defendant in the above-referenced action, I write to inform the Court that the parties have signed a stipulation of discontinuance in the above-referenced matter. In connection therewith, I enclose a fully-executed STIPULATION OF DISCONTINUANCE to be so ordered by Your Honor. We respectfully request that Your Honor endorse the enclosed STIPULATION and cancel the hearing on the motion for reconsideration that is scheduled for Wednesday, July 25 at 11:00 a.m. as moot.

We thank the Court for its time and attention to this request.

Respectfully submitted,

/s/
Vicki B. Zgodny
Assistant Corporation Counsel
Special Federal Litigation Division

Encl.

cc: Honorable Viktor V. Pohorelsky (Via ECF)